

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2011 Legislative Session, Legislative Day No. : November 8, 2011

Bill No.: 1212 \*AS AMENDED\*

Expiration Date: January 12, 2012

Introduced by: Mr. Bartlett, Mr. Hollis, Mr. Pack

**A BILL TO REPEAL AND REENACT CHAPTER 11, ALCOHOLIC BEVERAGES, TALBOT COUNTY CODE, TO ELIMINATE THE EXISTING CLASS "F" LICENSE CLASSIFICATION AND REPLACE IT WITH CLASS "B-R" AND CLASS "F-A" LICENSE CLASSIFICATIONS; TO PROVIDE THAT ALL EXISTING HOTELS AND RESTAURANTS HOLDING AN ALCOHOLIC BEVERAGE LICENSE SHALL BE ENTITLED TO RECEIVE A CATERER'S ENDORSEMENT BY APPLYING FOR SAME, UNLESS THEY AFFIRMATIVELY DECLINE TO DO SO, TO REQUIRE SUPERMARKETS THAT APPLY FOR A CLASS "A" (OFF-SALE, BEER AND LIGHT WINE LICENSE), AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OFFER ALCOHOLIC BEVERAGES FOR SALE ONLY IN A SEPARATE AREA DIVIDED FROM THE MAIN STORE BY A WALL OR PARTITION, TO GRANDFATHER EXISTING SUPERMARKETS FROM HAVING TO COMPLY WITH THIS REQUIREMENT, TO PROHIBIT ISSUANCE OF NEW CLASS "E" LICENSES (OFF-SALE, BEER, WINE, AND LIQUOR) FOR ANY USE EXCEPT ALCOHOL DISPENSARIES, TO GRANDFATHER ALL EXISTING CLASS "E" LICENSES, EXCEPT FOR PHARMACIES, AND TO GRANDFATHER EXISTING PHARMACIES HOLDING A CLASS "E" LICENSE, AT THE EXISTING LOCATION PROVIDED ALL ALCOHOLIC BEVERAGES SHALL BE OFFERED FOR SALE EXCLUSIVELY WITHIN AN ENCLOSED AREA NOT EXCEEDING 25% OF THE SALES AREA, SEPARATED FROM THE MAIN SALES AREA BY PERMANENT WALLS OR PARTITIONS AT LEAST 8 FEET HIGH, AND ALL SUCH SALES SHALL BE PROCESSED THROUGH A SEPARATE CASHIER; TO PROHIBIT NEW ALCOHOLIC BEVERAGE LICENSES TO BE ISSUED TO PHARMACIES, TO GRANDFATHER EXISTING GAS STATIONS WITH CLASS "A" LICENSES AND PROHIBIT NEW OFF-SALE LICENSES TO GAS STATIONS; TO AUTHORIZE GAS STATIONS WITH A PRE-EXISTING CLASS "A" OFF-SALE BEER AND LIGHT**

WINE LICENSE TO REAPPLY FOR A CLASS "A" LICENSE WITHIN ONE YEAR; TO REQUIRE CLASS "D" LICENSES (ON-AND-OFF SALE, MARINAS), TO SELL AND SERVE ALCOHOL ONLY IN CAFÉS, TO ESTABLISH A MARKET-TEST FORMULA FOR ISSUANCE OF NEW OFF-SALE LICENSES TO CLARIFY ACCOMMODATION OF THE PUBLIC AND TO PERMIT ISSUANCE OF A NEW OFF-SALE LICENSE WHEN THE TOTAL POPULATION WITHIN THE SERVICE AREA EQUALS OR EXCEEDS 750 PERSONS, TO EXEMPT SUPERMARKETS FROM THIS REQUIREMENT; TO ENACT NEW DEFINITIONS FOR "ALCOHOL DISPENSARIES" "CAFÉS" AND "GAS STATIONS"; TO AMEND THE DEFINITION OF "SUPERMARKET"; TO ELIMINATE THE DEFINITION OF "CHAIN STORE"; TO RESTRICT THE ISSUANCE OF ALCOHOLIC BEVERAGES LICENSES TO SPECIFIED USES; TO AMEND THE "B-T" LICENSE (NON-PROFIT THEATERS) , TO ALLOW THE SALE OF LIQUOR ON THE PREMISES IN ADDITION TO BEER AND WINE; AND GENERALLY CONCERNING THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN TALBOT COUNTY

By the Council: November 8, 2011

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 6, 2011, at 2:00 p.m., on Tuesday, December 13, 2011 at 6:30 p.m. on Amendments only as introduced on Tuesday, December 6, 2011, and on Tuesday, January 10, 2012 at 2:00 p.m. on Amendments only as introduced on Tuesday, December 6, 2011 and as introduced on Tuesday, December 13, 2011 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order

*Susan W. Moran*

Susan W. Moran, Secretary

**A BILL TO REPEAL AND REENACT CHAPTER 11, ALCOHOLIC BEVERAGES, TALBOT COUNTY CODE, TO ELIMINATE THE EXISTING CLASS "F" LICENSE CLASSIFICATION AND REPLACE IT WITH CLASS "B-R" AND CLASS "F-A" LICENSE CLASSIFICATIONS; TO PROVIDE THAT ALL EXISTING HOTELS AND RESTAURANTS HOLDING AN ALCOHOLIC BEVERAGE LICENSE SHALL BE ENTITLED TO RECEIVE A CATERER'S ENDORSEMENT BY APPLYING FOR SAME, UNLESS THEY AFFIRMATIVELY DECLINE TO DO SO, TO REQUIRE SUPERMARKETS THAT APPLY FOR A CLASS "A" (OFF-SALE, BEER AND LIGHT WINE LICENSE), AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OFFER ALCOHOLIC BEVERAGES FOR SALE ONLY IN A SEPARATE AREA DIVIDED FROM THE MAIN STORE BY A WALL OR PARTITION, TO GRANDFATHER EXISTING SUPERMARKETS FROM HAVING TO COMPLY WITH THIS REQUIREMENT, TO PROHIBIT ISSUANCE OF NEW CLASS "E" LICENSES (OFF-SALE, BEER, WINE, AND LIQUOR) FOR ANY USE EXCEPT ALCOHOL DISPENSARIES, TO GRANDFATHER ALL EXISTING CLASS "E" LICENSES, EXCEPT FOR PHARMACIES, AND TO GRANDFATHER EXISTING PHARMACIES HOLDING A CLASS "E" LICENSE, AT THE EXISTING LOCATION PROVIDED ALL ALCOHOLIC BEVERAGES SHALL BE OFFERED FOR SALE EXCLUSIVELY WITHIN AN ENCLOSED AREA NOT EXCEEDING 25% OF THE SALES AREA, SEPARATED FROM THE MAIN SALES AREA BY PERMANENT WALLS OR PARTITIONS AT LEAST 8 FEET HIGH, AND ALL SUCH SALES SHALL BE PROCESSED THROUGH A SEPARATE CASHIER; TO PROHIBIT NEW ALCOHOLIC BEVERAGE LICENSES TO BE ISSUED TO PHARMACIES, TO GRANDFATHER EXISTING GAS STATIONS WITH CLASS "A" LICENSES AND PROHIBIT NEW OFF-SALE LICENSES TO GAS STATIONS; TO AUTHORIZE GAS STATIONS WITH A PRE-EXISTING CLASS "A" OFF-SALE BEER AND LIGHT WINE LICENSE TO REAPPLY FOR A CLASS "A" LICENSE WITHIN ONE YEAR; TO REQUIRE CLASS "D" LICENSES (ON-AND-OFF SALE, MARINAS), TO SELL AND SERVE ALCOHOL ONLY IN CAFÉS, TO ESTABLISH A MARKET-TEST FORMULA FOR ISSUANCE OF NEW OFF-SALE LICENSES TO CLARIFY ACCOMMODATION OF THE PUBLIC AND TO PERMIT ISSUANCE OF A NEW OFF-SALE LICENSE WHEN THE TOTAL POPULATION WITHIN THE SERVICE AREA EQUALS OR EXCEEDS 750 PERSONS, TO EXEMPT SUPERMARKETS FROM THIS REQUIREMENT; TO ENACT NEW DEFINITIONS FOR "ALCOHOL DISPENSARIES" "CAFÉS" AND "GAS STATIONS"; TO AMEND THE DEFINITION OF "SUPERMARKET"; TO ELIMINATE THE DEFINITION OF "CHAIN STORE"; TO RESTRICT THE ISSUANCE OF ALCOHOLIC BEVERAGES LICENSES TO SPECIFIED USES; TO AMEND THE "B-T" LICENSE (NON-PROFIT THEATERS) , TO ALLOW THE SALE OF LIQUOR ON THE PREMISES IN ADDITION TO BEER AND WINE; AND GENERALLY CONCERNING THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN TALBOT COUNTY**

**KEY**

- Boldface**..... Heading or defined term.
- Underlining..... Added to existing law by original bill.
- ~~Strikethrough~~..... Deleted from existing law by original bill.
- Double underlining..... Added to bill by amendment.
- ~~Double strikethrough~~ .....Deleted from bill by amendment.
- \* \* \* .....Existing law unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

Chapter 11, Talbot County Code, entitled “*Alcoholic Beverages*” shall be and is hereby repealed and reenacted as set forth on the attached Exhibit, entitled “*Alcoholic Beverages Ordinance, Talbot County Code, Ch. 11*” which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

SECTION THREE: AND BE IT FURTHER ENACTED, That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

**Chapter 11**

**ALCOHOLIC BEVERAGES**

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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

§ 11-1 Title

1 This chapter shall be known and may be cited as  
 2 the "Talbot County Alcoholic Beverages  
 3 Ordinance."

4 § 11-1.1 Definitions

5 A. Alcohol dispensary -- a commercial  
 6 enterprise licensed or seeking a license to  
 7 engage primarily in the retail sale of  
 8 packaged alcoholic beverages with such  
 9 beverages occupying at least seventy five  
 10 percent (75%) of the sales area.

11 B. Café -- a limited food service facility not to  
 12 exceed 20 seats located in a marina that  
 13 regularly prepares and serves full meals,  
 14 which may include a sandwich menu.

15 C. Convenience store -- a small-scale retail  
 16 store less than 8,000 square feet located to  
 17 serve highway or neighborhood demand for  
 18 light food service, sandwiches, or snack  
 19 foods for immediate consumption or carry  
 20 out, having a limited selection of grocery  
 21 items, over-the-counter medicines,  
 22 cosmetics, and household supplies, licensed  
 23 or seeking a license to offer limited beer  
 24 and light wine items occupying not more  
 25 than twenty-five percent (25%) of the sales  
 26 area. Convenience stores do not include  
 27 locations that dispense petroleum products  
 28 for motor vehicles.

29 D. Hotel -- a lodging place offering overnight  
 30 sleeping accommodations with at least  
 31 twenty-five (25) bedrooms having a food  
 32 service facility that regularly prepares and  
 33 serves meals on the premises where  
 34 alcoholic beverages are to be sold.

35 E. Restaurant -- a food service facility with  
 36 capacity to seat at least twenty (20) persons,  
 37 counting any outdoor seating, regularly  
 38 serving at least two meals per day, which  
 39 may include a sandwich menu, that  
 40 maintains a kitchen staffed for serving food  
 41 that opens within one hour after the facility  
 42 opens and remains in continuous operation

43 until at least two hours before alcoholic  
 44 beverages are no longer served.

45 F. Supermarket -- a retail grocery or food store  
 46 that contains a sales area of not less than  
 47 16,900 square feet in which at least 80% of  
 48 the sales area is devoted to the retail sale of  
 49 food and food related products.

50 G. Theater, nonprofit -- a qualified business  
 51 organization operating as a nonprofit or  
 52 charitable organization under Maryland  
 53 law, or that has been determined to be an  
 54 exempt organization pursuant to Section  
 55 501 (c) (3) of the Internal Revenue Code  
 56 that is (1) housed within a building; (2) has  
 57 a minimum seating capacity of 100 persons;  
 58 and, (3) regularly presents live enter-  
 59 tainment as part of its schedule.

60 § 11-2 Purpose

61 The County Council declares that the purpose of  
 62 this chapter is to regulate the retail sale of  
 63 alcoholic beverages within Talbot County,  
 64 pursuant to the authority granted in § 18-101 of  
 65 Article 2B of the Annotated Code of Maryland.  
 66 The regulations, provisions, restrictions and  
 67 penalties contained in this chapter are for the  
 68 protection, health, welfare and safety of the  
 69 citizens of Talbot County.

70 § 11-3 Administration by Board of Liquor  
 71 License Commissioners

72 This chapter shall be administered and enforced  
 73 by the Talbot County Board of Liquor License  
 74 Commissioners (the "Board"). The Board may  
 75 adopt such written rules and regulations as it  
 76 deems necessary to carry out the provisions of this  
 77 chapter, subject to the approval of the County  
 78 Council. Chapter 60, Ethics, Talbot County Code,  
 79 shall apply to members of the Board.

80 § 11-4 Beer and light wine licenses

81 A. Beer and light wine license, Class A (off-  
 82 sale) alcohol dispensaries, supermarkets,  
 83 and convenience stores

84 (1) General provisions. A Class A beer and  
 85 light wine license shall be issued only to  
 86 alcohol dispensaries, supermarkets, and con-  
 87 venience stores, and shall authorize the holder  
 88 thereof to keep for sale and sell beer and light

89 wine, at retail, in any quantity to any con-  
90 sumers, at the place described in the license, in  
91 a sealed package or container, which package  
92 or container may not be opened nor its  
93 contents consumed on the premises where  
94 sold. Notwithstanding the limitation on the  
95 issuance of a Class A license to alcohol  
96 dispensaries, supermarkets, and convenience  
97 stores set forth above, any holder of a Class A  
98 license, lawfully issued and validly existing on  
99 the effective date of this ordinance shall be  
100 entitled to renew the same at the existing  
101 location provided that all such applications for  
102 renewal otherwise comply with all then-  
103 existing ordinance, laws, and regulations, as  
104 amended from time to time.

105 (2) Hours. The hours during which the  
106 privileges conferred by a Class A license may  
107 be exercised shall be from 6:00 a.m. to 12:00  
108 midnight, except on Sunday the hours shall be  
109 from 8:00 a.m. to 12:00 midnight.

110 (3) Light wine and beer tasting, alcohol  
111 dispensaries. Other provisions of this chapter  
112 to the contrary notwithstanding, the holder of a  
113 valid Class A license issued to an alcohol  
114 dispensary shall be authorized to serve not  
115 more than one ounce from no more than three  
116 bottles or containers of beer or light wine to  
117 any one person for sampling or tasting  
118 purposes. Once opened, any bottles or  
119 containers of beer or light wine to be sampled  
120 shall be accurately and specifically marked for  
121 sampling or tasting purposes only or shall be  
122 discarded and shall not be offered for sale. The  
123 contents of any bottle or container opened for  
124 sampling or tasting purposes shall not be  
125 mixed with any other bottle or container. Any  
126 beer or light wine sampling or tasting  
127 authorized by this section shall be permitted  
128 on the licensed premises only.

129 (4) Class A licenses for any supermarket shall  
130 require that the alcoholic beverages be kept  
131 and offered for sale exclusively in an enclosed  
132 area separated from the main sales area by  
133 permanent walls or partitions at least 8 feet  
134 high.

135 (5) Notwithstanding the requirement for a  
136 separate sales area for alcoholic beverages set  
137 forth in paragraph (4) above, any supermarket  
138 holding a Class A license lawfully issued and  
139 validly existing on the effective date of this  
140 ordinance shall be entitled to renew the same

141 at the existing location without compliance  
142 therewith. Existing Class A licenses that are  
143 exempt from such requirement under this  
144 provision may be transferred to a new owner  
145 or location subject to the requirements of  
146 paragraph (4) at any new location and  
147 compliance with all of then-existing ordi-  
148 nances, laws, and regulations, as amended  
149 from time to time, but without regard to  
150 compliance with the market-test in § 11-8 D.

151 **B. Beer and light wine license, Class B (on-**  
152 **sale), hotels and restaurants**

153 (1) General provisions. A Class B beer and  
154 light wine license shall authorize the holder  
155 thereof to keep for sale and sell beer and light  
156 wine, at retail, at any hotel or restaurant, at the  
157 place described in the license, for consumption  
158 on the premises. (2) From and after the  
159 effective date of this ordinance the application  
160 for issuance or renewal of a Class B license  
161 shall also include all information required to  
162 obtain a caterer's endorsement in accordance  
163 with § 11-6A. Subject to all requirements  
164 otherwise applicable to a caterer's  
165 endorsement, all Class B licenses issued or  
166 renewed after this ordinance becomes law  
167 shall include a caterer's endorsement as part of  
168 their issuance or renewal, unless the applicant  
169 affirmatively declines the same.

170 (3) Hours. The hours during which the  
171 privileges conferred by a Class B license may  
172 be exercised shall be from 6:00 a.m. to 2:00  
173 a.m. on the following day, except on Sunday  
174 the hours shall be from 10:00 a.m. to 2:00 a.m.  
175 on the following day.

176 **C. Beer and light wine license, Class B-R**  
177 **(off-sale), hotels and restaurants**

178 (1) General provisions. A Class B-R beer  
179 and light wine license shall be issued only to  
180 hotels and restaurants and shall authorize the  
181 holder thereof to keep for sale and sell beer  
182 and light wine, at retail, at the place described  
183 in the license, in a sealed package or container,  
184 which package or container may not be opened  
185 nor its contents consumed on the premises  
186 where sold.

187 (2) Any holder of a Class F license, lawfully  
188 issued and validly existing on the effective  
189 date of this ordinance shall be entitled to  
190 obtain a Class B-R license through the renewal

191	process at the existing location provided that	238	
192	all such applications otherwise comply with all	239	<b>A. Beer, wine and liquor license, Class E</b>
193	then-existing ordinance, laws, and regulations,		<b>(off-sale) alcohol dispensaries</b>
194	as amended from time to time. Provided	240	(1) General provisions. A Class E beer, wine
195	further, that all such holders shall be entitled to	241	and liquor license shall be issued only to an
196	a B-R license without regard to the market-test	242	alcohol dispensary, and shall authorize the
197	set forth in § 11-8 D.	243	holder thereof to keep for sale and sell all
		244	alcoholic beverages, at retail, in any quantity
198	(3) Hours. The hours during which the	245	to any consumers, at the place described in the
199	privileges conferred by a Class B-R license	246	license, in a sealed package or container,
200	may be exercised shall be from 6:00 a.m. to	247	which package or container shall not be
201	2:00 a.m. on the following day, except on	248	opened nor its contents consumed on the
202	Sunday the hours shall be from 10:00 a.m. to	249	premises where sold.
203	2:00 a.m. on the following day.		
		250	(2) Hours. The hours during which the
204	<b>D. Beer and light wine license, Class C (on-</b>	251	privileges conferred by a Class E license may
205	<b>sale), clubs</b>	252	be exercised shall be from 6:00 a.m. to 12:00
		253	midnight, except on Sunday the hours shall be
206	(1) General provisions. A Class C beer and	254	from 8:00 a.m. to 12:00 midnight.
207	light wine license shall authorize the holder		
208	thereof to keep for sale and sell beer and light	255	(3) Wine and beer tasting, alcohol dispen-
209	wine, at retail, to bona fide members and their	256	saries. Other provisions of this chapter to the
210	guests at any club, at the place described in the	257	contrary notwithstanding, the holder of a valid
211	license, for consumption on the premises only.	258	Class E license that is also an alcohol
212	[Amended 12-14-1999 by Bill No. 742; 4-24-	259	dispensary shall be authorized to serve not
213	2001 by Bill No. 811]	260	more than one ounce from no more than three
		261	bottles or containers of wine or beer to any one
214	(2) Hours. The hours during which the	262	person for sampling or tasting purposes. Once
215	privileges conferred by a Class C license may	263	opened, any bottles or containers of wine or
216	be exercised shall be from 6:00 a.m. to 12:00	264	beer to be sampled shall be accurately and
217	midnight, except on Sunday the hours shall be	265	specifically marked for sampling or tasting
218	from 10:00 a.m. to 12:00 midnight.	266	purposes only or shall be discarded and shall
		267	not be offered for sale. The contents of any
219	<b>E. Beer and light wine license, Class D (on-</b>	268	bottle or container opened for sampling or
220	<b>and off-sale), marinas</b>	269	tasting purposes shall not be mixed with any
		270	other bottle or container. Any wine or beer
221	(1) General provisions. A Class D beer and	271	sampling or tasting authorized by this section
222	light wine license shall authorize the holder	272	shall be permitted on the licensed premises
223	thereof to keep for sale and sell beer and light	273	only.
224	wine, at retail, at any marina, at the place		
225	described in the license, for consumption on	274	(4) Notwithstanding the limitation on issuance
226	the premises and elsewhere. All sales and	275	of Class E licenses to alcohol dispensaries in
227	consumption of alcoholic beverages on the	276	paragraph (1) above, any holder of a Class E
228	premises shall occur in a café regularly	277	license, except for any pharmacy, that was
229	preparing and serving full meals, which may	278	lawfully issued and validly existing on the
230	include a sandwich menu.	279	effective date of this ordinance shall be
		280	entitled to renew the same at the existing
231	(2) Hours. The hours during which the	281	location provided that all such applications for
232	privileges conferred by a Class D license may	282	renewal otherwise comply with all then-
233	be exercised shall be from 6:00 a.m. to 12:00	283	existing ordinances, laws, and regulations, as
234	midnight, except on Sunday the hours shall be	284	amended from time to time. Any such Class E
235	from 8:00 a.m. to 12:00 midnight. § 11-5 Beer,	285	license held by or for the benefit of any
236	wine and liquor licenses.	286	pharmacy shall be entitled to renew the same
		287	at the existing location provided: all alcoholic
237	<b>§ 11-5 Beer, wine and liquor licenses</b>	288	beverages shall be offered for sale exclusively
		289	within an enclosed area not exceeding 25% of

290	the sales area, separated from the main sales	341	their renewal, unless the applicant affirma-
291	area by permanent walls or partitions at least 8	342	tively declines the same.
292	feet high, and all such sales shall be processed		
293	through a separate cashier within and dedi-	343	(2) Requirements for license. A Class F
294	cated to that area, and that all such	344	license shall not be issued until all
295	applications for renewal otherwise comply	345	requirements for licensing have been met and
296	with all then-existing ordinances, laws, and	346	the place described in the license is
297	regulations, as amended from time to time.	347	demonstrated to be:
298	(5) Notwithstanding the limitations and	348	(a) A hotel having 25 or more bedrooms and
299	restrictions upon the issuance of new off-sale	349	regularly preparing and serving food on the
300	licenses set forth in § 11-8 D, any holder of a	350	premises where alcoholic beverages are to be
301	Class E license that was lawfully issued and	351	sold;
302	validly existing on the effective date of this		
303	ordinance shall be entitled to renewal of such	352	(b) A restaurant which seats at least 20
304	license as set forth in paragraph (4), above,	353	persons, maintains a kitchen staffed for
305	without regard to compliance with the market-	354	selling food and provides a menu for at least
306	test in § 11-8 D.	355	two meals per day on a regular basis, which
		356	may include a sandwich menu; or
307	<b>B. Beer, wine and liquor license, Class F (on</b>		
308	<b>and off-sale), hotels and restaurants</b>	357	(c) A restaurant which seats at least 20
		358	persons and maintains a kitchen staffed for
309	(1) General provisions. A Class F beer, wine	359	selling food, which is open within one hour
310	and liquor license shall authorize the holder	360	after the restaurant opens and is in continuous
311	thereof to keep for sale and sell all alcoholic	361	operation serving a full menu until at least two
312	beverages, at retail, at any hotel or restaurant	362	hours before the restaurant closes.
313	qualified under Subsection B(2) hereof. All		
314	sales shall be for consumption on the premises	363	(3) Hours. The hours during which the
315	only, at the place described in the license.	364	privileges conferred by a Class F license may
316	Wine and beer may be sold for consumption	365	be exercised shall be from 6:00 a.m. to 2:00
317	on the premises and elsewhere.	366	a.m. on the following day, except on Sunday
		367	the hours shall be from 10:00 a.m. to 2:00 a.m.
		368	on the following day.
318	(a) No new Class F licenses shall issue after		
319	the effective date of this ordinance. Upon	369	(4) This section, § 11-5 B, including without
320	expiration of an existing Class F license, all	370	limitation the Class F license classification,
321	licensees holding a Class F license lawfully	371	and each paragraph and sub-paragraph, shall
322	issued and validly existing on the effective	372	be repealed and of no further force or effect
323	date of this ordinance shall be entitled to apply	373	upon the later of: (1) the expiration of all
324	for and obtain both a Class B-R license and a	374	existing Class F licenses; and, (2) the issuance
325	Class F-A license for the premises described in	375	of Class B-R and Class F-A licenses to
326	the Class F license provided that all such	376	existing Class F licensees entitled to receive
327	applications for renewal otherwise comply	377	the same for the place described in the existing
328	with all then-existing ordinances, laws, and	378	Class F license; and, (3) compliance with the
329	regulations, as amended from time to time. (b)	379	requirements of Paragraph (1) (b), above,
330	Upon the expiration of an existing Class F	380	regarding issuance of caterer's endorsements;
331	license, any renewal application for the place	381	or, (4) expiration of the right to renew, without
332	described in the existing license shall also	382	renewal, for existing Class F licenses such that
333	include all information required to obtain a	383	the transition from Class F to Class B-R and
334	caterer's endorsement in accordance with §	384	Class F-A has been completed or waived for
335	11-6A. Subject to all requirements otherwise	385	all existing Class F licensees.
336	applicable to a caterer's endorsement, all		
337	licensees holding an existing Class F license		
338	that was lawfully issued and validly existing	386	<b>C. Beer, wine and liquor license, Class F-A</b>
339	on the effective date of this ordinance shall be	387	<b>(on-sale), hotels and restaurants</b>
340	entitled to a caterer's endorsement as part of		

388 (1) General provisions. A Class F-A beer, 438 preceding the year for which the license is to  
 389 wine and liquor license shall be issued only to 439 be issued.  
 390 a hotel or restaurant and shall authorize the  
 391 holder thereof to keep for sale and sell all 440 (3) Hours. The hours during which the  
 392 alcoholic beverages, at retail, for consumption 441 privileges conferred by a Class G license may  
 393 on the premises only, at the place described in 442 be exercised shall be from 6:00 a.m. to 2:00  
 394 the license. 443 a.m. on the following day, except on Sunday  
 444 the hours shall be from 12:30 p.m. to 2:00 a.m.  
 445 on the following day.

395 (a) The application for issuance or renewal of 446  
 396 a Class F-A license shall include all 447 **E. Beer, wine and liquor license, Class GC**  
 397 information required to obtain a caterer's 448 **(on-sale), golf courses**  
 398 endorsement in accordance with § 11-6A. 449  
 399 Subject to all requirements otherwise 450 (1) General provisions. A Class GC beer,  
 400 applicable to a caterer's endorsement, all Class 451 wine and liquor license shall authorize the  
 401 F-A licenses issued or renewed after the 452 holder thereof to keep for sale and sell all  
 402 effective date of this ordinance shall include a 453 alcoholic beverages, at retail, at any golf  
 403 caterer's endorsement as part of their issuance 454 course qualified under Subsection E(2) hereof,  
 404 or renewal, unless the applicant affirmatively 455 at the place described in the license, for  
 405 declines the same. 456 consumption on the premises only.

406 (2) Requirements for license. A Class F-A 457  
 407 license shall not be issued until all 458 (2) Requirements for license. A Class GC  
 408 requirements for licensing have been met. 459 license shall be issued only to a golf course  
 460 which is open to the public and has a golf  
 409 (3) Hours. The hours during which the 461 course with a minimum of 18 holes. A licensee  
 410 privileges conferred by a Class F-A license 462 may sell beer, wine and liquor for  
 411 may be exercised shall be from 6:00 a.m. to 463 consumption only on the land and in the  
 412 2:00 a.m. on the following day, except on 464 buildings, including the clubhouse, used for  
 413 Sunday the hours shall be from 10:00 a.m. to 465 golfing purposes. A patron need not be seated  
 414 2:00 a.m. on the following day. 466 to be served.

415 **D. Beer, wine and liquor license, Class G** 467  
 416 **(on-sale), clubs** 468 (3) Hours. The hours during which the  
 469 privileges conferred by a Class GC license  
 417 (1) General provisions. A Class G beer, wine 470 may be exercised shall be from 7:00 a.m. to  
 418 and liquor license shall authorize the holder 471 10:00 p.m. each day.  
 419 thereof to keep for sale and sell all alcoholic 472  
 420 beverages, at retail, at any club qualified under 473  
 421 Subsection D(2) hereof, at the place described 474  
 422 in the license, for consumption on the premises 475  
 423 only. 476

424 (2) Requirements for license. A Class G 477  
 425 license shall be issued only to a club which is 478  
 426 not operated for profit and which has had 50 or 479  
 427 more bona fide members paying dues of not 480  
 428 less than \$10 per annum per member for five 481  
 429 consecutive years immediately preceding the 482  
 430 year for which the license is to be issued. A 483  
 431 Class G license may be issued to a club  
 432 composed exclusively of members who served  
 433 in the Armed Forces of the United States,  
 434 which is affiliated with a national organization  
 435 and had 50 or more bona fide members paying  
 436 whatever dues were required by its national  
 437 organization in the year immediately

484 (a) Accommodates the public for banquets,  
 485 parties, meetings, and similar functions; and

484 (b) Contains a dining room with adequate  
485 facilities for preparing and serving full-course  
486 meals for at least 100 persons at one seating.

487 (3) The Class B-F beer, light wine and liquor  
488 license authorizes the holder to keep for sale,  
489 and sell at retail, beer, light wine, and liquor  
490 for on-premises consumption only, provided  
491 that:

492 (a) The beer, light wine, and liquor are only  
493 sold during the function;

494 (b) The licensee may not sell alcoholic  
495 beverages for off-premises consumption;

496 (c) The licensee may not permit alcoholic  
497 beverages to be carried off the premises; and

498 (d) Food is furnished at the function where  
499 the alcoholic beverages are provided.

500 (4) The application for issuance or renewal of  
501 a Class B-F license shall include all infor-  
502 mation required to obtain a caterers endorse-  
503 ment in accordance with § 11-6A. Subject to  
504 all requirements otherwise applicable to a  
505 caterer's endorsement, all Class B-F licenses  
506 issued or renewed after the effective date of  
507 this ordinance shall include a caterer's  
508 endorsement as part of their issuance or  
509 renewal, unless the applicant affirmatively  
510 declines the same.

511 (5) Hours. The hours during which the  
512 privileges conferred by a Class B-F license  
513 may be exercised shall be from 12:00 noon to  
514 2:00 a.m. the following day, except on Sunday  
515 the hours shall be from 12:00 noon to 12:00  
516 midnight.

517 **G. Beer, wine and liquor license, Class B-T**  
518 **(on-sale), certain nonprofit theaters**

519 (1) General provisions. A Class B-T beer,  
520 wine, and liquor license shall be issued only to  
521 nonprofit theaters and shall authorize the  
522 holder thereof to keep for sale and sell beer,  
523 wine, and liquor at retail, at the place  
524 described in the license, for consumption on  
525 the premises only.

526 (2) Requirements for license. A Class B-T  
527 license shall not be issued until all  
528 requirements for licensing have been met.

529 (3) Eligibility to purchase temporary license.  
530 Other provisions of this chapter to the contrary  
531 notwithstanding, a holder of a Class B-T  
532 license shall not by virtue thereof be  
533 prohibited from purchasing a special beer,  
534 wine and liquor license, nor shall any bona  
535 fide club, society, association or church be  
536 precluded from obtaining a special license for  
537 use on the theater premises, provided that the  
538 holder of the Class B-T license for the  
539 premises consents to the use of the special  
540 license.

541 (4) Hours. The hours during which the  
542 privileges conferred by a Class B-T license  
543 may be exercised shall be from 12:00 noon to  
544 12:00 midnight each day; provided, however,  
545 that the sale and consumption of beer and light  
546 wine shall be restricted to a period of time  
547 beginning two hours before any scheduled  
548 entertainment and concluding one hour after  
549 said entertainment.

550 **§ 11-6 Endorsements**

551 **A. Caterer's endorsement**

552 (1) Caterer defined. In this section "caterer"  
553 means a Class B, Class B-F, B-R, or Class F-A  
554 license holder who contracts to provide food  
555 and alcoholic beverages to sponsors of public  
556 or private events held at specific locations  
557 within Talbot County off the licensed  
558 premises.

559 (2) General provisions. A caterer's  
560 endorsement shall be issued only to holders of  
561 a Class B, Class B-F, B-R, or a Class F-A  
562 license. The endorsement shall authorize the  
563 holder thereof to sell the alcoholic beverages  
564 permitted for the class of license at locations  
565 within Talbot County for which no other  
566 license has been issued. Other provisions of  
567 this chapter to the contrary notwithstanding,  
568 the holder of a Class B, Class B-F, Class B-R  
569 or Class F-A license shall not be prohibited  
570 from simultaneously holding a caterer's  
571 endorsement, if otherwise approved. The  
572 Board shall be authorized to issue a caterer's  
573 endorsement to holders of a Class B, Class B-  
574 F, Class B-R, or Class F-A license who meet  
575 the requirements for issuance of the caterer's  
576 endorsement and who are otherwise entitled to  
577 renewal of their license.

578 (3) Hours. The hours during which the  
579 privileges conferred by a caterer's  
580 endorsement may be exercised shall be the  
581 same as the hours permitted for the class of  
582 license.

583 (4) Requirement to provide food. The holder  
584 of a caterer's endorsement shall provide food  
585 as well as alcoholic beverages at catered  
586 events.

587 (5) Location.

588 (a) The holder of a caterer's endorsement  
589 shall not provide alcoholic beverages at the  
590 same location for more than five  
591 consecutive days or more than a total of 15  
592 days in any calendar year without first  
593 obtaining the written permission of the  
594 Board.

595 (b) The holder of a caterer's endorsement  
596 shall not provide alcoholic beverages at any  
597 location which is owned or leased by the  
598 license holder or in which the license  
599 holder has any financial interest. This  
600 subsection shall not be construed as  
601 prohibiting catering alcoholic beverages at  
602 any legitimate club or fraternal  
603 organization to which the license holder  
604 belongs or at the holder's residence.

605 **B. Special festival endorsement**

606 (1) Special festival defined. In this section  
607 "special festival" means a special event held  
608 on an irregularly scheduled basis for the  
609 purpose of promoting wines or beers produced  
610 by one or more wineries, vintners or  
611 microbreweries.

612 (2) General provisions. A special festival  
613 endorsement shall be issued only to holders of  
614 Class A, B, E, or F licenses. The endorsement  
615 shall authorize the holder thereof to sell or  
616 serve beer or wine by the glass to patrons on  
617 the site of the special festival during the  
618 specified hours of the event and to sell at  
619 retail, in any quantity, to patrons of the event,  
620 wines or beer offered for tasting at the event,  
621 in sealed packages or containers, which  
622 packages or containers shall not be opened nor  
623 the contents thereof consumed on the site of  
624 the festival. Other provisions of this chapter to  
625 the contrary notwithstanding, the holder of a  
626 Class A, B, E or F license shall not be

627 prohibited from simultaneously holding a  
628 special festival endorsement, if otherwise  
629 approved. The Board shall be authorized to  
630 utilize an abbreviated procedure for the  
631 issuance of a special festival endorsement to  
632 holders of a Class A, B, E or F license who are  
633 in good standing at the time of the application.

634 (3) Hours. The hours during which the  
635 privileges conferred by a special festival  
636 endorsement may be exercised shall be the  
637 same as the hours permitted for the class of  
638 license.

639 (4) Limits on number of endorsements. A  
640 special festival endorsement shall not be  
641 issued for more than two consecutive days,  
642 and no more than four endorsements shall be  
643 issued to a license holder in any calendar year.

644 **§ 11-7 Special and temporary licenses**

645 **A. Special beer and light wine license, Class**  
646 **H (on-sale), seven days**

647 (1) General provisions. A Class H special  
648 beer and light wine license shall entitle the  
649 holder thereof to keep for sale and sell beer  
650 and light wine, at retail, at the place described  
651 in the license, in conjunction with any bona  
652 fide entertainment conducted by a club,  
653 society, association or church, for consump-  
654 tion on the premises only, for a period not  
655 exceeding seven consecutive days from the  
656 effective date of the license. The Board shall  
657 be authorized to utilize an abbreviated  
658 procedure for the issuance of a Class H  
659 license.

660 (2) Hours. The hours during which the  
661 privileges conferred by a Class H license may  
662 be exercised shall be from 12:00 noon to 12:00  
663 midnight each day; provided, however, that the  
664 sale and consumption of beer and light wine  
665 shall be restricted to a period of time  
666 beginning two hours before the scheduled  
667 entertainment and concluding one hour after  
668 said entertainment.

669 **B. Special beer, wine and liquor license,**  
670 **Class J (on-sale), seven days**

671 (1) General provisions. A Class J special  
672 beer, wine and liquor license shall entitle the  
673 holder thereof to keep for sale and sell all  
674 alcoholic beverages, at retail, at the place

675 described in the license, in conjunction with  
676 any bona fide entertainment conducted by a  
677 club, society, association or church, for  
678 consumption on the premises only, for a period  
679 not exceeding seven consecutive days from the  
680 effective date of the license. The Board shall  
681 be authorized to utilize an abbreviated  
682 procedure for the issuance of a Class J license.

683 (2) Hours. The hours during which the  
684 privileges conferred by a Class J license may  
685 be exercised shall be from 12:00 noon to 12:00  
686 midnight each day; provided, however, that the  
687 sale and consumption of beer, wine and liquor  
688 shall be restricted to a period of time  
689 beginning two hours before the scheduled  
690 entertainment and concluding one hour after  
691 said entertainment.

692 **C. Disposal-of-stock license (10 days)**

693 A disposal-of-stock license of any class shall  
694 entitle the holder thereof to exercise the  
695 privileges of the class of license for a period  
696 not exceeding 10 consecutive days, for the  
697 purpose of disposing of the license holder's  
698 stock of alcoholic beverages, in cases where a  
699 license has been revoked, canceled, suspended  
700 or renewal denied. A disposal-of-stock license  
701 shall authorize the sale of the license holder's  
702 stock at retail or to one or more holders of  
703 wholesale licenses, and such holders of  
704 wholesale licenses are hereby authorized to  
705 purchase such stock. The holder of a disposal-  
706 of-stock license is not authorized to purchase  
707 alcoholic beverages for the purpose of resale  
708 under this license.

709 **D. Temporary removal license**

710 A temporary removal license of any class shall  
711 entitle the holder thereof to temporarily move  
712 the licensed premises from one location to  
713 another, when the relocation is necessitated by  
714 fire or other catastrophe. The privileges of a  
715 temporary removal license may be exercised  
716 while the originally licensed premises are  
717 being restored, for a period to be established  
718 by the Board, but not to exceed six months. No  
719 fee shall be charged for a temporary removal  
720 license, provided that any renewal fees which  
721 are due during the continuance of the license  
722 are paid on time. The Board shall be required  
723 to approve, as in the case of the original  
724 application, the new location to which the  
725 license holder temporarily relocates.

726 **§ 11-8 General provisions on issue of licenses**

727 **A. License requirements for corporation,**  
728 **limited liability company, partnership,**  
729 **club or association**

730 (1) A license application made for a  
731 corporation, limited liability company,  
732 partnership, club or other association (whether  
733 incorporated or unincorporated) shall also be  
734 applied for by and shall be issued to two or  
735 more individuals who are authorized to act for  
736 the entity and who are officers, directors,  
737 stockholders or employees of the corporation;  
738 members or employees of the limited liability  
739 company; partners of the partnership; or  
740 officers, directors or members of the club or  
741 association. If an entity has a sole owner, only  
742 that individual shall be required to apply for  
743 and be issued a license. The individual license  
744 holders shall be residents of Talbot County or  
745 a contiguous county. The application shall also  
746 set forth the names and addresses of all of the  
747 directors and officers of a corporation, club or  
748 association, all of the members of a limited  
749 liability company, or all of the partners of a  
750 partnership and shall be signed by the  
751 appropriate officers of the entity, as well as by  
752 the two or more individuals to whom the  
753 license shall be issued for the use of the entity.  
754 Every application for a license shall disclose  
755 the name, all trade names and all addresses of  
756 the corporation, limited liability company,  
757 partnership, club or association, as well as the  
758 name and business and home address of the  
759 individual applicants.

760 (2) The individual license holders and the  
761 corporation, limited liability company, partner-  
762 ship, club or association shall assume all  
763 responsibilities, individually, jointly and  
764 severally, and shall be subject to all of the  
765 penalties, conditions and restrictions imposed  
766 upon license holders under the provisions of  
767 this chapter.

768

769 **B. No more than two licenses for same**  
770 **person**

771 No more than two licenses provided by this  
772 chapter, except by way of renewal, shall be  
773 issued to any individual or to any person for  
774 the use of any corporation, limited liability  
775 company, partnership, club or association.

776	<b>C. Zoning restrictions</b>	824	
777	No license provided by this chapter shall be	825	
778	issued or utilized in a manner which will result	826	
779	in a violation of any zoning ordinance or other	827	
780	statutory land use restriction of the County or	828	
781	the incorporated municipality in which the	829	(a) The Board may issue a new off-sale
782	place of business proposed to be licensed is	830	license if the total population within the
783	located. No new license shall be issued for any		service area equals or exceeds 750
784	use not specifically provided in this chapter.	831	persons for all existing off-sale licenses
785	To the extent of any inconsistency between the	832	and the newly proposed license.
786	definitions of use in this chapter and any land-	833	
787	use ordinance, the definitions that are more	834	(b) The service area shall be determined as
788	restrictive or stringent shall prevail.	835	follows:
789	<b>D. Restriction upon off-sale licenses, market-</b>	836	
790	<b>test, grandfathering</b>	837	
791	(1) New off-sale licenses shall be issued	838	
792	only to alcohol dispensaries, supermarkets,	839	
793	restaurants, cafes, hotels, and convenience	840	
794	stores.	841	
795	(a) Notwithstanding the limitation in Para-	842	(3) All census blocks in Talbot County from
796	graph D. (1) on issuance of new off-sale	843	the most recent decennial census within,
797	licenses, any holder of an off-sale license,	844	intersected by, or touching the service area
798	except for any pharmacy, that was	845	shall be used to determine the total
799	lawfully issued and validly existing on the	846	population within the service area.
800	effective date of this ordinance shall be	847	
801	entitled to renew the same at the existing	848	(4) For purposes of this section, an urban
802	location provided that all such applica-	849	location is a proposed site within a
803	tions for renewal otherwise comply with		municipality and a rural location is a
804	all then-existing ordinances, laws, and	850	proposed site outside a municipality.
805	regulations, as amended from time to	851	
806	time. Pharmacies shall be governed by the		(5) The formula for determining whether a
807	provisions in § 11-5 A. (4) and (5).	852	new off sale license may be issued is:
808	(b) Notwithstanding the limitation in Para-		$R = P - (750 \times N)$ where:
809	graph D. (1) on issuance of new off-sale	853	
810	licenses, a gas station for which a Class A	854	R -- Remainder (must be equal to or
811	off-sale beer and light wine license had	855	greater than 750 for new off-sale
812	been issued, but which is no longer in full	856	license).
813	force and effect on the effective date of	857	P -- Total population within service area.
814	this ordinance due to voluntary non-	858	N -- Total number of existing off-sale
815	renewal, may re-apply for a new Class A	859	licenses, (Class A, B-R, D, E, , and
816	license for the same location at any time	860	F) within the service area,
817	within one (1) year after the effective date	861	excluding the proposed new off-
818	of this ordinance.	862	sale license and excluding existing
819	(2) Except for Class A licenses for super-	863	Class A licenses for supermarkets.
820	markets, off-sale licenses are subject to the	864	
821	following requirements. The Board shall limit	865	(6) New off-sale licenses shall be at least
822	and restrict the number of new off-sale	866	500 feet from public or private schools,
823	licenses as set forth in this section.	867	public parks, and correctional facilities.
		868	Licensees holding off-sale licenses lawfully
		869	issued and validly existing on the effective
		870	date of this ordinance shall be permitted to
		871	renew and maintain such licenses at existing
			locations provided that all such applications

872	for renewal otherwise comply with all then-	918	state, or of the United States or any foreign
873	existing ordinances, laws, and regulations, as	919	country. The Board shall have the authority
874	amended from time to time.	920	to obtain criminal records on any applicant
875		921	for an alcoholic beverage license prior to the
876	(7) In addition to the requirements of this	922	issuance of the license and the applicant, as
877	section, an applicant for a new off-sale	923	part of the application, shall provide
878	license must meet all other applicable criteria.	924	whatever consents, authorizations, or
879		925	releases of information are necessary for this
880	<b>§ 11-9 License application filing requirements</b>	926	purpose.
881	Every application for a new license shall be	927	I. A statement that each individual applicant has
882	made to the Board and shall be accompanied by	928	a pecuniary interest in, employment
883	the specified application and license fees. The	929	relationship with, or is authorized to act on
884	application shall contain the following:	930	behalf of the entity seeking the license,
885	A. The class of license desired.	931	including the nature of each applicant's
886	B. The name and residence of each individual	932	relationship to any entity having an interest in
887	applicant and how long each has resided at	933	the business.
888	the stated address and the name and address	934	J. A statement that none of the individual
889	of any entity on behalf of which the	935	applicants have had a license for the sale of
890	individual applicants seek a license.	936	alcoholic beverages revoked.
891	C. A statement that each individual applicant is	937	K. A statement identifying any other premises
892	a resident of Talbot County or a contiguous	938	or entity holding a liquor license in which any
893	County.	939	of the individual applicants or the entity they
894	D. A statement that each individual applicant is	940	represent have an interest and identifying any
895	a citizen of the United States, including the	941	other license issued pursuant to this chapter
896	place of birth of each applicant and, if a	942	from which any of the individual applicants
897	naturalized citizen, when and where	943	or the entity receives any revenue directly or
898	naturalized.	944	indirectly.
899	E. A statement that each individual applicant is	945	L. A statement as to whether any of the
900	not less than 21 years of age.	946	individual applicants or the entity have ever
901	F. The particular place for which the license is	947	had a license for the sale of alcoholic
902	desired, designating the street name and	948	beverages and, if so, in what state and at what
903	number, and also a description of the portion	949	location.
904	of the building in which the business will be	950	M. A statement that no manufacturer, brewer,
905	conducted.	951	distiller or wholesaler of alcoholic beverages
906	G. The name of the owner of the premises	952	has any financial interest, directly or
907	upon which the business sought to be	953	indirectly, in the premises or business of the
908	licensed is to be carried on.	954	applicant and that the applicant will not
909	H. A statement that none of the individual	955	thereafter convey or grant to any such
910	applicants have ever been convicted of a	956	manufacturer, brewer, distiller or wholesaler
911	felony or of a misdemeanor involving moral	957	any such interest, except as otherwise
912	turpitude and a further statement as to	958	permitted in this chapter, and that the
913	whether any of them have ever been	959	applicant, at the time of making the
914	adjudged guilty of violating the laws	960	application, has no indebtedness or other
915	governing the sale of alcoholic beverages,	961	financial obligations and will not thereafter
916	controlled dangerous substances, or	962	incur any such indebtedness or other financial
917	gambling in the State of Maryland, any other	963	obligations, directly or indirectly, to any
		964	manufacturer, brewer, distiller or wholesaler
		965	of alcoholic beverages other than for the
		966	purchase of alcoholic beverages.

967	N. A statement, duly executed and	1018	(1) Published notice. Before the Board shall
968	acknowledged by the owner of the premises	1019	approve any new license, the Board shall cause
969	upon which the business is to be conducted,	1020	a notice of such application to be published
970	assenting to the granting of the license	1021	once a week for two successive weeks in a
971	applied for and authorizing the Comptroller	1022	newspaper of general circulation in Talbot
972	of the State of Maryland, his duly authorized	1023	County. The notice shall specify the names of
973	deputies, inspectors and clerks, the Talbot	1024	the individual applicants and any entity they
974	County Board of Liquor License	1025	represent, the type of license applied for and
975	Commissioners, its duly authorized agents	1026	the location of the place of business proposed
976	and employees, any peace officer of Talbot	1027	to be licensed as well as the date, time and
977	County and any peace officer of any	1028	location fixed by the Board for a hearing upon
978	incorporated municipality in which the	1029	the application. The hearing shall be not less
979	business is to be conducted to inspect and	1030	than seven days nor more than 30 days after
980	search, without warrant, the premises upon	1031	the last publication.
981	which the business is to be conducted, and		
982	any and all parts of the building in which the	1032	(2) Posting of property.
983	business is to be conducted, at any and all		
984	hours.		
		1033	(a) Whenever a hearing upon a license
985	O. A certificate signed by at least 10 citizens,	1034	application is scheduled, the place of business
986	who shall be owners of real estate and	1035	proposed to be licensed shall be posted at least
987	registered voters of the precinct in which the	1036	15 days prior to the hearing date by the
988	business is to be conducted, setting forth the	1037	erection of a sign to be furnished by the Board.
989	length of time each has been acquainted with	1038	Such sign shall be erected by the person(s)
990	the applicant or, in the case of a corporation,	1039	making application, within ten feet of
991	with the individuals making the application.	1040	whatever boundary line of the property abuts
992	The certificate must state that the signers	1041	the most traveled public road and, if no public
993	thereof have examined the application and	1042	road abuts thereon, then facing in such a
994	have good reason to believe that all the	1043	manner as most readily may be seen by the
995	statements contained in the application are	1044	public, as designated by the Board. The
996	true, that they are of the opinion that the	1045	bottom of the sign shall not be less than three
997	applicant is a suitable person to obtain the	1046	feet from the ground. The sign furnished by
998	license, and that they are familiar with the	1047	the Board shall not be less than two feet high
999	premises upon which the proposed business is	1048	and two feet wide, and shall bear the words:
1000	to be conducted and believe the premises are	1049	NOTICE - APPLICATION HAS BEEN
1001	suitable for the conduct of the business of a	1050	MADE FOR A LIQUOR LICENSE AT THIS
1002	retail dealer in alcoholic beverages. The	1051	LOCATION. Talbot County Board of Liquor
1003	requirements of this section do not apply to	1052	License Commissioners (410) 770-8019.
1004	applications for special or temporary (Class H		
1005	and Class J) licenses.	1053	(b) At the hearing, it shall be the duty of the
		1054	applicant to prove by affidavit that he has fully
1006	P. Proof of a valid food service facility permit	1055	complied with this provision and has contin-
1007	from the Talbot County Health Department	1056	uously maintained the sign in compliance with
1008	must be shown for those classes of licenses	1057	this provision up to the time of the hearing.
1009	(Class F and Class F-A) which require the	1058	Any sign required to be posted by this pro-
1010	servicing of food as a condition of the license	1059	vision shall be maintained in a visible location
1011	or where the applicant is engaged in a	1060	and free from obstruction until after the public
1012	business which requires such a permit.	1061	hearing is held, and such sign shall be re-
		1062	moved within five days after the public
		1063	hearing.
1013	Q. Proof of compliance with the current		
1014	provisions of the State Fire Prevention Code	1064	(3) Notice to local jurisdiction and adjacent
1015	from the Office of the State Fire Marshal.	1065	property owners. Whenever a hearing upon a
		1066	license application is scheduled, the Board
1016	<b>§ 11-10 Procedure for issuance of licenses</b>	1067	shall give at least 15 days' notice of the time
		1068	and place of such hearing to be mailed by
1017	A. <b>General provisions</b>	1069	regular United States mail, first class postage

1070 prepaid, to the applicant, to the governing  
 1071 body of the local jurisdiction in which the  
 1072 place of business proposed to be licensed is  
 1073 located, and to the owners of all property  
 1074 contiguous to the place of business proposed  
 1075 to be licensed and of all properties opposite  
 1076 said property measured at right angles to any  
 1077 intervening road or street. It shall be the  
 1078 responsibility of the applicant to furnish the  
 1079 Board with a complete, accurate and up-to-  
 1080 date list of all such property owners. The  
 1081 notice shall be directed to the address to which  
 1082 the real estate tax bill on the property is sent.  
 1083 The notice shall contain the same information  
 1084 as the published notice required in Subsection  
 1085 A(1) hereof. For purposes of this section the  
 1086 term "contiguous property owner" is to include  
 1087 owners of property within 1,000 feet of the  
 1088 subject property, whose line of sight to the  
 1089 subject property is entirely over water. Failure  
 1090 of a person to receive the notice prescribed in  
 1091 this section shall not impair the validity of the  
 1092 hearing.

1093 (4) Hearing. At the time fixed by the notice  
 1094 for a hearing upon an application or upon the  
 1095 continuance of any such hearing, the  
 1096 individual applicants and representatives of the  
 1097 entity seeking a license shall have the first  
 1098 opportunity to be heard by the Board and to  
 1099 present evidence to the Board; provided,  
 1100 however, that the Board may stipulate that  
 1101 after the expiration of a reasonable  
 1102 predetermined amount of time the applicant's  
 1103 presentation may be interrupted to permit  
 1104 opponents an opportunity to be heard.  
 1105 Thereafter, any interested person in attendance  
 1106 shall be heard by the Board on either side of  
 1107 the question. The applicant shall have the final  
 1108 opportunity to address the Board at the  
 1109 conclusion of all testimony or evidence. The  
 1110 Board shall make an adequate record of its  
 1111 proceedings so as to permit judicial review.  
 1112 The costs of reproduction of the record shall  
 1113 be borne by the person seeking the copy.

1114 (5) Findings.

1115 (a) If the Board determines that the granting  
 1116 of the license is not necessary for the  
 1117 accommodation of the public, or that the  
 1118 applicants are not fit persons to receive the  
 1119 license applied for, or have made a material  
 1120 false statement in the application, or have  
 1121 practiced fraud in connection with said  
 1122 application, or that the operation of the

1123 business, if the license is granted, will unduly  
 1124 disturb the peace of the residents of the  
 1125 neighborhood in which the place of business is  
 1126 to be located, or the applicant for an off-sale  
 1127 license does not satisfy the requirements of §  
 1128 11-8 D, or that there are other substantial  
 1129 reasons in the discretion of the Board why the  
 1130 license should not be issued, then the  
 1131 application shall be disapproved and the  
 1132 license applied for shall be refused. If no such  
 1133 findings are made by the Board, then the  
 1134 Board shall approve the application and issue  
 1135 the license upon the applicant's payment of the  
 1136 required fee.

1137 (b) Within 30 days of the conclusion of the  
 1138 hearing, the Board shall issue a written  
 1139 decision setting forth its factual  
 1140 determinations, its decision concerning the  
 1141 license in question, and the basis for its  
 1142 decision.

1143 (c) Any person aggrieved by the decision of  
 1144 the Board who appeared at the hearing before  
 1145 the Board shall have 30 days after the issuance  
 1146 of the Board's decision to appeal the decision  
 1147 to the Circuit Court for Talbot County.

1148 **B. License and application fees**

1149 The license and application fees applicable to  
 1150 each class of license shall be established by the  
 1151 County Council of Talbot County in the  
 1152 Annual Budget and Appropriation Ordinance.  
 1153 All fees collected under this chapter shall be  
 1154 remitted to the Talbot County Finance Office.  
 1155 The salaries of the Board, together with the  
 1156 necessary office, clerical and investigational  
 1157 expenses of the Board, shall be paid by the  
 1158 County Council, as approved in the Annual  
 1159 Budget and Appropriation Ordinance adopted  
 1160 by the County Council. The balance of all fee  
 1161 revenue collected under this chapter, which is  
 1162 not expended on the approved salaries and  
 1163 expenses of the Board, shall be devoted to the  
 1164 general purposes of the County as approved by  
 1165 the County Council.

1166 **C. Refund of license fees**

1167 No holder of any class of license shall be  
 1168 entitled to a refund of the unused portion of  
 1169 the fee paid for a license upon surrender  
 1170 thereof, except:

1171	(1) In the event of receivership or	1216	same applicant for the same premises for a
1172	bankruptcy of the business if a transfer is not	1217	period of one year.
1173	requested, and in such case the refund shall be		
1174	made for the benefit of the creditors of the	1218	<b>§ 11-11 General procedures for renewal of</b>
1175	license holder;	1219	<b>licenses</b>
1176	(2) In the event of the death of the license	1220	<b>A. Application for renewal</b>
1177	holder, and in such case the refund shall be		
1178	made for the benefit of the estate of the	1221	The holder or holders of any expiring license
1179	deceased license holder;	1222	other than special licenses issued under the
		1223	provisions of this chapter shall, not less than
1180	(3) In the event that the license holder has	1224	30 nor more than 90 days before the first day
1181	volunteered for or been called into the Armed	1225	of May of each year, file a written
1182	Forces of the United States;	1226	application, duly verified by oath, for the
		1227	renewal of the license with the Board. The
1183	(4) In the event that a license holder of one	1228	renewal application shall state either that the
1184	class surrenders the license and obtains a	1229	facts in the original application are
1185	license of another class carrying a higher fee,	1230	unchanged or shall clearly and completely
1186	in which case, the refund shall be deducted	1231	identify all such changes, based on which the
1187	from the amount of the fee to be paid for the	1232	Board may, in its discretion, treat the renewal
1188	newly obtained license; or	1233	application as a new application. The renewal
		1234	application shall be accompanied by a
1189	(5) In the event that the licensed premises	1235	statement, signed by the owner of the
1190	are taken by the federal government, the state	1236	premises, consenting to the renewal of the
1191	or any city or municipality for public use.	1237	license and to search and seizure as in the
		1238	case of the original application. A statement
1192	<b>D. License forms; date of issue and</b>	1239	of consent shall not be required if the owner
1193	<b>expiration</b>	1240	has previously signed such a statement in
		1241	connection with an original application or
1194	Only licenses authorized under the provisions	1242	previous renewal application giving consent
1195	of this chapter may be issued by the Board.	1243	for the term of the owner's lease with the
1196	Every license issued shall be upon forms	1244	applicant. Upon the filing of the renewal
1197	prescribed by the Board. Each license shall be	1245	application and the payment of the prescribed
1198	dated as of the date of issue and shall expire on	1246	annual fee, the holder or holders of an
1199	the April 30 next after its issuance, except	1247	expiring license shall be entitled to a new
1200	temporary licenses and special licenses, which	1248	license for another year without the filing of
1201	shall expire as otherwise provided.	1249	further statements or the furnishing of any
		1250	further information, unless such information
1202	<b>E. Pro-rata license fees</b>	1251	is specifically requested by the Board.
		1252	Renewal licenses shall be administratively
1203	The fee for every license issued for a period of	1253	approved without a hearing before the Board,
1204	less than one year (except temporary or special	1254	unless a protest signed by not less than 10
1205	licenses) shall be subject to the annual fee if	1255	residents or property owners in the County
1206	issued during the first three months of the	1256	election district in which the licensed place of
1207	license year; 3/4 of the annual fee if issued	1257	business is located has been filed against the
1208	during the second quarter of the license year;	1258	granting of a renewal license at least 30 days
1209	1/2 of the annual fee if issued during the third	1259	before the expiration of the license for which
1210	quarter of the license year; and 1/4 of the	1260	renewal is sought. The Board may, upon its
1211	annual license fee if issued during the fourth	1261	own initiative, after notice to the applicant,
1212	quarter of the license year.	1262	treat a renewal application as an original
		1263	application. In the event of a protest or in the
1213	<b>F. Successive applications</b>	1264	event that the Board determines, in the
		1265	exercise of its discretion, to treat a renewal
1214	If a license is refused, no application for the	1266	application as an original application, then
1215	same license shall be considered from the	1267	the application shall be heard and determined
		1268	as in the case of an original application. In

1269 such cases, the Board may consider evidence  
 1270 concerning the impact of the licensed  
 1271 establishment upon the peace and repose of  
 1272 the community. A factual finding, based upon  
 1273 clear and convincing evidence that the  
 1274 licensed establishment has significantly and  
 1275 regularly intruded upon the peace and repose  
 1276 of the neighboring property owners so as to  
 1277 have a deleterious impact upon the public  
 1278 health, safety and welfare, shall be a  
 1279 sufficient basis for denial of the renewal  
 1280 application or the limitation of the hours of  
 1281 operation of the license holder by the Board.

1282 B. At the time of renewal of either a Class C or  
 1283 a Class G license, the individuals listed as  
 1284 holding the license on behalf of a club may,  
 1285 at the discretion of the Board, be deleted, or  
 1286 the names of additional individuals may be  
 1287 added to or substituted for any or all of the  
 1288 original license holders without the necessity  
 1289 of filing a formal application for transfer;  
 1290 provided, however, that the proposed license  
 1291 holders are otherwise qualified, and further  
 1292 provided that the President or Chief  
 1293 Executive Officer of the club shall certify that  
 1294 the individuals are authorized to act on behalf  
 1295 of the club. When a renewal application  
 1296 contains a request to add, delete or substitute  
 1297 individual license holders, the Board may  
 1298 approve the application, or require the filing  
 1299 of an application for transfer as provided in  
 1300 § 11-12C hereof.

1301 C. The procedural rules for a renewal hearing  
 1302 shall follow those set forth in § 11-10A  
 1303 hereof. Any person aggrieved by the decision  
 1304 of the Board who appeared at the renewal  
 1305 hearing before the Board shall have 30 days  
 1306 after the issuance of the Board's decision to  
 1307 appeal the decision to the Circuit Court for  
 1308 Talbot County.

1309 **§ 11-12 Rights and duties of license holders**

1310 **A. License not property**

1311 Licenses issued under the provisions of this  
 1312 chapter shall not be regarded as property or as  
 1313 conferring any property rights. All such  
 1314 licenses shall be subject to suspension,  
 1315 restriction or revocation and to all rules and  
 1316 regulations that may be adopted as herein  
 1317 provided.

1318 **B. Duplicates for lost licenses**

1319 Whenever a license issued under the  
 1320 provisions of this chapter has been lost or  
 1321 destroyed, the official issuing such licenses  
 1322 shall have the power, upon application under  
 1323 oath and upon payment of a fee of \$10, to  
 1324 issue another license, upon which shall be  
 1325 endorsed the word "duplicate" in addition to  
 1326 all of the information which appeared upon the  
 1327 original license.

1328 **C. Transfer of licenses**

(1) General procedure.

1329 Any holder of a license under the provisions of  
 1330 this chapter, including a receiver or trustee for  
 1331 the benefit of creditors, may, in the discretion  
 1332 of the Board, be permitted to transfer his place  
 1333 of business to some other location and/or  
 1334 transfer his stock-in-trade to another person,  
 1335 provided that an application for such transfer  
 1336 and/or sale shall be made and approved by the  
 1337 Board, and that a bulk transfer permit is  
 1338 obtained where the stock of alcoholic  
 1339 beverages is to be transferred, whether by sale,  
 1340 gift, inheritance, assignment or otherwise and  
 1341 irrespective of whether or not consideration is  
 1342 paid. Except as provided in Subsection C(2)  
 1343 hereof or in § 11-11, the new location and/or  
 1344 assignee shall be approved as in the case of an  
 1345 original application for a license. Such transfer  
 1346 and/or assignment, when made, shall be  
 1347 reflected in the issuance of a new license or  
 1348 endorsed upon the original license by the  
 1349 official issuing the same upon payment of a  
 1350 fee of \$10, in addition to the application fee,  
 1351 which shall be paid at the time of the filing of  
 1352 the application for transfer and/or sale. This  
 1353 section shall permit the transfer of class of  
 1354 license, location and the assignment of license  
 1355 in the same application.

(2) Addition, deletion or substitution of  
 license holders.

1356 When the entity which owns the business and  
 1357 the location of the business for which a license  
 1358 has been issued are to remain the same, no  
 1359 more than two, but less than all, of the persons  
 1360 listed on the license may be deleted and other  
 1361 persons may be substituted therefor by the  
 1362 submission of an application for review by the  
 1363 Board. The Board may provide a special  
 1364 application form for this purpose, which shall  
 1365 solicit all of the information relating to the  
 1366 new applicant which would be required of an

1367	original applicant, require the approval of the	1416	amended during the previous year. [Amended
1368	owners of the premises, require the certificate	1417	4-13-1999 by Bill No. 704]
1369	provided in § 11-8A, and require the consent		
1370	of all license holders and of the persons whose	1418	<b>G. Death of license holder</b>
1371	names are to be added to the license.		
1372	Additional persons may be added to those	1419	(1) Upon the death of an individual license
1373	persons already listed on the license, and	1420	holder, the license shall expire upon the close
1374	persons listed on the license may be deleted	1421	of the 90th day following the date of death
1375	therefrom, in the manner provided herein,	1422	except as herein otherwise provided. In cases
1376	provided that the minimum number of persons	1423	where the deceased is the proprietor of the
1377	required for said license shall be maintained.	1424	licensed premises, upon application to the
1378	The Board may, in its discretion, either	1425	Board and upon the payment of a fee of \$10
1379	administratively approve said application, or	1426	made by the personal representatives of the
1380	cause notice of the application to be published	1427	deceased license holder, a certificate of
1381	and a hearing to be conducted as in the case of	1428	permission may be granted for the
1382	an original application.	1429	continuation of the business in the name of the
		1430	personal representatives for the benefit of the
1383	<b>D. License holder vacating premises</b>	1431	estate of the deceased for a period not
		1432	exceeding the balance of the current license
1384	On the 10th day after the holder of any license	1433	year, or the closing of the estate, whichever
1385	issued under the provisions of this chapter	1434	occurs first. In the event the estate has not
1386	shall have vacated or been evicted from the	1435	been closed upon the expiration of the license
1387	premises for which said license was issued,	1436	year, the personal representatives may apply
1388	said license shall expire unless an application	1437	for renewal of the license, and upon payment
1389	for a transfer thereof to another location or	1438	of the required annual license fee, a renewal
1390	assignment to another person has been	1439	license may be granted; provided, however,
1391	approved or is then pending; provided,	1440	that no application for a renewal license
1392	however, that the official authorized to issue	1441	hereunder may be made more than 18 months
1393	licenses may, in his discretion, postpone such	1442	after the death of the license holder. Such
1394	expiration for an additional period, not	1443	certificates of permission and renewal licenses
1395	exceeding 20 days in any case, to avoid any	1444	will be subject to the right of protest,
1396	undue hardship.	1445	revocation, suspension, and restriction as in
		1446	other cases, and during the continuation
1397	<b>E. Display of licenses</b>	1447	period, the license holder and the personal
		1448	representative of the deceased shall be subject
1398	Every person receiving a license under the	1449	to all of the provisions of this chapter. The
1399	provisions of this chapter shall frame the	1450	personal representatives to which a certificate
1400	license under glass and place the framed	1451	has been granted may assign or transfer the
1401	license so that it shall at all times be	1452	license for the benefit of the estate, and upon
1402	conspicuous and easily read in the place of	1453	the approval of the application for the transfer
1403	business.	1454	or assignment, the license shall be considered
		1455	reinstated upon the payment of the balance of
1404	<b>F. Availability of ordinance</b>	1456	the license fee which is due until the expiration
		1457	of the license year.
1405	Every license holder shall keep a copy of this	1458	(2) If the licensed premises are operated for
1406	chapter in an area in the licensed premises	1459	the benefit of a corporation, limited liability
1407	where it is easily accessible for reference when	1460	company or partnership, another individual
1408	necessary. It is the responsibility of the license	1461	license holder may be substituted for the
1409	holder to ensure that all employees or agents	1462	deceased upon the filing of an application as
1410	of the license holder are advised of the	1463	provided for herein, and the premises may
1411	provisions of this chapter. The Board shall	1464	continue to sell alcoholic beverages pending
1412	provide to each license holder on an annual	1465	approval of the new license holder.
1413	basis either a complete copy of the current		
1414	version of this chapter, or at their election, a	1466	(3) An application for substitution of another
1415	copy of only those sections that have been	1467	license holder for the deceased license holder

1468	shall be made within 90 days of the date of	1512	(4) No license holder of a beer, wine and
1469	death. Upon the filing of such an application,	1513	liquor license shall allow a person to act in the
1470	and until a decision is made and issued as	1514	capacity of a sales clerk authorized to sell or
1471	provided herein, the license shall continue in	1515	offer for sale beer, wine or liquor at retail who
1472	full force and effect, subject to all other	1516	is not at least 21 years of age.
1473	provisions of this chapter.		
1474	<b>H. Hours of operation</b>	1517	<b>C. Sales to minors and intoxicated persons</b>
		1518	<b>prohibited</b>
1475	The hours during which the privileges conferred	1519	(1) No license holder under the provisions of
1476	by a license may be exercised shall be defined	1520	this chapter or any of the license holder's
1477	as either Eastern standard or daylight saving	1521	employees or agents shall sell or furnish any
1478	time, whichever is in effect on the date in	1522	alcoholic beverages at any time to any person
1479	question.	1523	except in conformance with the age limitations
		1524	as established from time to time by the State of
1480	<b>§ 11-13 Restrictions upon license holders</b>	1525	Maryland.
1481	<b>A. General provisions</b>	1526	(2) No license holder or any of the license
		1527	holder's employees or agents shall sell or
1482	License holders are required to comply with	1528	furnish any alcoholic beverages to any person
1483	all applicable provisions of this chapter and	1529	who at the time of such sale or delivery is
1484	with all provisions of state law applicable to	1530	visibly under the influence of any alcoholic
1485	Talbot County by virtue of § 11-20 of this	1531	beverage.
1486	chapter, Article 2B, § 18-101, Annotated Code	1532	(3) A violation of this section by an
1487	of Maryland, or Article 25, § 3(ee), Annotated	1533	employee or agent of a license holder shall be
1488	Code of Maryland. Violation of any such pro-	1534	deemed a violation by the license holder, who
1489	vision is a misdemeanor, and in addition to	1535	shall be responsible for all alcoholic beverage
1490	any criminal penalty, may result in adminis-	1536	sales in or upon the licensed premises.
1491	trative sanctions including revocation or sus-		
1492	pension of any license issued pursuant to this	1537	<b>D. Noise regulations</b>
1493	chapter or the imposition of a fine, or any		
1494	combination thereof.	1538	The Board may regulate the time and noise
		1539	level of the playing of mechanical music
1495	<b>B. Service by minors restricted</b>	1540	boxes, live music, and sound-making devices
		1541	that are used on licensed premises where the
1496	(1) No license holder shall allow a person to	1542	sound disturbs the peace, tranquility, safety,
1497	act in the capacity of a bartender who is not at	1543	and health of the surrounding neighborhood.
1498	least 21 years of age. For the purposes of this		
1499	section, a "bartender" is any person who mixes	1544	<b>E. Slot machine restriction</b>
1500	or pours drinks for consumption on the		
1501	licensed premises.	1545	The Board shall be prohibited from issuing a
		1546	license under the provisions of this chapter to
1502	(2) No license holder shall allow a person to	1547	any entity at any place at which one or more
1503	act in the capacity of waiter or waitress who is	1548	slot machines are located, maintained, or
1504	required to take orders for alcoholic beverages	1549	operated, unless the entity is a fraternal,
1505	unless said waiter or waitress is at least 18	1550	religious or veterans nonprofit organization
1506	years of age.	1551	with a license to operate the slot machine(s)
		1552	issued by the Sheriff of Talbot County.
1507	(3) No license holder of a beer and light		
1508	wine license shall allow a person to act in the	1553	
1509	capacity of a sales clerk authorized to sell or		
1510	offer for sale beer or light wine at retail who is	1554	
1511	not at least 18 years of age.	1555	

1556	<b>§ 11-14 Revocation and suspension of licenses</b>	1602	§ 159-9C(2) following a determination that the
1557	<b>A. General provisions</b>	1603	requisite violations have occurred. [Added 2-
		1604	3-2004 by Bill No. 934]
1558	(1) Any license issued under the provisions	1605	(2) For purposes of this section a conviction
1559	of this chapter may be revoked or suspended	1606	is deemed to have occurred whenever a person
1560	by the Board for any cause which in the	1607	accused of a crime pleads guilty or nolo
1561	judgment of the Board is necessary to promote	1608	contendere or is found guilty of an offense.
1562	the peace or safety of the community in which		
1563	the place of business is situated. A license may	1609	(3) The following shall each be prima facie
1564	be revoked or suspended, and/or a fine	1610	evidence of a violation:
1565	imposed by the Board based upon, but not		
1566	limited to, any of the following findings:	1611	(a) A sale or delivery of an alcoholic
		1612	beverage by a license holder before or after the
1567	(a) Conviction of the license holder for	1613	hours during which the privileges conferred by
1568	violation of any of the provisions of this	1614	the applicable license may be exercised.
1569	chapter or of applicable state law regulating		
1570	the retail sale of alcoholic beverages.	1615	(b) An open container holding more than a
		1616	trace of an alcoholic beverage, prior to or more
1571	(b) Any finding of fact in a criminal	1617	than 30 minutes after the hours during which
1572	proceeding that would be sufficient to sustain	1618	the privileges conferred by the applicable
1573	a judgment or verdict of guilt for any violation	1619	license may be exercised.
1574	of this chapter or applicable state law		
1575	regulating the retail sale of alcoholic	1620	(c) Live entertainment or playing of
1576	beverages, regardless of whether that finding	1621	electronic entertainment other than during the
1577	is stricken and probation before judgment is	1622	hours in which the privileges conferred by the
1578	granted.	1623	applicable license may be exercised.
1579	(c) Failure or refusal of any license holder to	1624	(d) Presence of person(s) on the premises
1580	comply with any provisions of this chapter or	1625	prior to or more than 30 minutes after the
1581	any applicable state law, or any rule or	1626	hours during which the privileges conferred by
1582	regulation that may be adopted pursuant to this	1627	the applicable license may be exercised, other
1583	chapter.	1628	than by those listed below:
1584	(d) The making of any material false	1629	[1] The owner, license holder or their agents
1585	statement in any application for a license.	1630	or employees actually engaged in cleaning or
		1631	preparing for the next day's operation.
1586	(e) A conviction of one or more of the		
1587	clerks, agents, or employees of a license	1632	[2] Entertainers actually engaged in
1588	holder for the violation of any of the	1633	preparing for opening or closing down after a
1589	provisions of this chapter or applicable state	1634	performance.
1590	law on the licensed premises.		
		1635	[3] Delivery personnel actually making
1591	(f) A finding by the Board that one or more	1636	deliveries.
1592	of the clerks, agents, or employees of a license		
1593	holder violated any of the provisions of this	1637	(e) The sale, delivery or furnishing of an
1594	chapter or of applicable state law on the	1638	alcoholic beverage by a license holder, clerk,
1595	licensed premises.	1639	agent or employee of a license holder to a
		1640	minor on the licensed premises.
1596	(g) Three or more violations of any		
1597	provision of Chapter 159, Article I, Talbot	1641	<b>B. Procedure for revocation or suspension</b>
1598	County Code, Smoking. For purposes of this		
1599	subsection, the Board may not amend, modify,	1642	(1) The Board may, on its own initiative, or
1600	or decline to impose the requisite suspension	1643	upon complaints by local citizens, or upon a
1601	upon any licensee for the period designated in	1644	complaint by the State's Attorney, any peace

1645 officer, or the County Health Officer, revoke  
 1646 or suspend any license issued under the  
 1647 provisions of this chapter or impose a  
 1648 monetary fine upon any license holder, or  
 1649 both. Such action shall not be taken until the  
 1650 Board has conducted a hearing upon the  
 1651 complaint, notice of which shall be mailed or  
 1652 delivered to the license holder at least 10 days  
 1653 before the hearing. Revocation or suspension  
 1654 hearings shall be conducted pursuant to § 11-  
 1655 10A of this chapter, except that the notification  
 1656 provisions thereof shall not apply. In addition,  
 1657 in a hearing under this section, the person or  
 1658 entity making the complaint to the Board shall  
 1659 be the first to present evidence to the Board;  
 1660 the license holder shall then present its  
 1661 evidence, to be followed by any further  
 1662 evidence to be presented by the complainant.  
 1663 The Board may permanently revoke or  
 1664 suspend a license for any period, or impose a  
 1665 fine, at its discretion, upon a finding that any  
 1666 provision of this chapter or any applicable  
 1667 state law has been violated, or upon a finding  
 1668 based upon clear and convincing evidence that  
 1669 the continued licensing of the premises in  
 1670 question constitutes a danger to the public  
 1671 health, safety, or welfare.

1672 (2) Within 30 days of the hearing, the Board  
 1673 shall issue its decision, setting forth its  
 1674 findings, determination of any violations, and  
 1675 imposition of any penalty, sanction or fine. If  
 1676 no decision is issued by the Board within 30  
 1677 days of the hearing, a finding of "no violation"  
 1678 shall result.

1679 **§ 11-15 Violations and penalties**

1680 A. Any person or license holder violating the  
 1681 provisions of this chapter shall be guilty of a  
 1682 misdemeanor and, upon conviction thereof,  
 1683 shall be subject to a fine of not more than  
 1684 \$1,000 or to imprisonment for not more than  
 1685 six months, or to both such fine and  
 1686 imprisonment; provided, however, that if  
 1687 applicable state law provides a greater  
 1688 penalty, the penalty provided by state law  
 1689 shall prevail.

1690 B. Anyone charged with selling or furnishing  
 1691 alcoholic beverages to a person not of legal  
 1692 age in violation of § 11-13C shall be found  
 1693 not guilty of said violation if such person  
 1694 establishes to the satisfaction of the jury, or  
 1695 the court sitting as a jury, that he used due  
 1696 caution to establish that such person was of

1697 legal age to purchase or be supplied alcoholic  
 1698 beverages. The granting of probation before  
 1699 judgment to a license holder or employee or  
 1700 agent of a license holder for any alleged  
 1701 violation of this chapter or applicable state  
 1702 law does not bar the Board from proceeding  
 1703 against the license holder for the violation.

1704 C. In lieu of suspending or revoking an  
 1705 alcoholic beverages license pursuant to the  
 1706 terms of this chapter, the Board may hold any  
 1707 suspension in abeyance and impose a fine for  
 1708 any violation of this chapter subject to the  
 1709 following conditions:

1710 (1) The Board determines that the public  
 1711 welfare and safety will not be impaired by  
 1712 allowing the license holder to operate during  
 1713 the suspension period and that payment of the  
 1714 fine will achieve the desired disciplinary  
 1715 purposes.

1716 (2) The fine assessed by the Board under this  
 1717 subsection shall not exceed \$1,000 for each  
 1718 violation.

1719 (3) All moneys collected under this  
 1720 subsection shall be deposited into the general  
 1721 funds of Talbot County.

1722 (4) The Board shall have promulgated such  
 1723 rules and regulations as it deems necessary to  
 1724 carry out the purposes of this subsection  
 1725 including any conditions to be imposed on the  
 1726 license holder as a condition of holding any  
 1727 such suspension in abeyance.

1728 **§ 11-16 Bottle club restrictions; drive-through**  
 1729 **sales**

1730 A. It shall be unlawful in Talbot County for any  
 1731 bottle club to sell, serve, give, dispense, keep  
 1732 or allow to be consumed on its premises, or  
 1733 on premises under its control or possession,  
 1734 any alcoholic beverages, setups or other  
 1735 component parts of mixed alcoholic drinks.  
 1736 As used in this subsection, the term "bottle  
 1737 club" shall mean any club which serves, sells,  
 1738 gives, or dispenses alcoholic beverages to its  
 1739 members or guests, or which keeps for its  
 1740 members or guests any alcoholic beverages,  
 1741 or which allows to be consumed on its  
 1742 premises any alcoholic beverages, by its  
 1743 members or guests, which beverages have  
 1744 been reserved or purchased by the members  
 1745 or guests; or any club at which patrons are

1746 served, given, or allowed to consume  
 1747 alcoholic beverages after legal closing hours  
 1748 from any supplies that the patrons have  
 1749 previously purchased or reserved; or any club  
 1750 that sells, dispenses, serves, keeps, or allows  
 1751 to be consumed any setups or other  
 1752 component parts of mixed alcoholic drinks to  
 1753 its members or guests.

1754 B. Drive-through sales prohibited. A licensee  
 1755 shall not sell, offer to sell, or dispense  
 1756 alcoholic beverages for off-premises  
 1757 consumption through a facility commonly  
 1758 known as a "walk-up" or "drive-through"  
 1759 window. [Added 4-13-1999 by Bill No. 705]

1760 **§ 11-17 Enforcement**

1761 **A. Notification requirements**

1762 To aid in the enforcement of this chapter, it  
 1763 shall be the responsibility of all law  
 1764 enforcement personnel, including members of  
 1765 the Maryland State Police, the Talbot County  
 1766 Sheriff's Department, the Talbot County  
 1767 State's Attorney's Office, the Natural  
 1768 Resources Police, and each of the municipal  
 1769 police departments in Talbot County, to notify  
 1770 the Board of any violation citations issued to  
 1771 any license holder under the provisions of this  
 1772 chapter, within 48 hours of the issuance of the  
 1773 citation. The Board shall notify law  
 1774 enforcement personnel, including members of  
 1775 the Maryland State Police, the Talbot County  
 1776 Sheriff's Department, the Talbot County  
 1777 State's Attorney's Office, the Natural  
 1778 Resources Police, and the appropriate mun-  
 1779 icipal police department, of any license issued  
 1780 under the provisions of this chapter which is  
 1781 revoked or suspended, or of any fines which  
 1782 are imposed for a violation of this chapter.

1783 **B. Chemical test report**

1784 For the purpose of establishing that physical  
 1785 evidence in a criminal proceeding or  
 1786 administrative hearing under the provisions of  
 1787 this chapter contains or constitutes alcohol or  
 1788 an alcoholic beverage, a report signed by the  
 1789 chemist or analyst who performed the test or  
 1790 tests as to its nature is prima facie evidence  
 1791 that the material delivered to him was properly  
 1792 tested under procedures approved by the  
 1793 Department of Health and Mental Hygiene,  
 1794 that those procedures are legally reliable, that  
 1795 the material was delivered to him by the

1796 officer or person stated in the report, and that  
 1797 the material was or contained alcohol, without  
 1798 the necessity of the chemist or analyst  
 1799 personally appearing in court, or at any  
 1800 hearing, provided the report identifies the  
 1801 chemist or analyst as an individual certified by  
 1802 the Department of Health and Mental Hygiene,  
 1803 the Maryland State Police Department, the  
 1804 Baltimore City Police Department, or any  
 1805 County police department employing analysts  
 1806 of controlled dangerous substances or alcohol,  
 1807 as qualified under standards approved by the  
 1808 Department of Health and Mental Hygiene to  
 1809 analyze those substances, states that he made  
 1810 an analysis of the substance under approved  
 1811 procedures and also states that the substance,  
 1812 in his opinion, is or contains alcohol. Nothing  
 1813 in this section precludes the right of any party  
 1814 to introduce any evidence supporting or  
 1815 contradicting the evidence contained in or the  
 1816 presumptions raised by the report.

1817 **C. Chain of custody**

1818 (1) In this section, "chain of custody" means  
 1819 the seizing officer; the packaging officer, if the  
 1820 packaging officer is not also the seizing  
 1821 officer; and the chemist or person who actually  
 1822 touched the substance and not merely the outer  
 1823 sealed package in which the substance was  
 1824 placed by the law enforcement agency before  
 1825 or during the analysis of the substance.

1826 (2) "Chain of custody" does not include a  
 1827 person who handled the substance in any form  
 1828 after analysis of the substance.

1829 (3) For the purpose of establishing, in a  
 1830 criminal proceeding or an administrative  
 1831 hearing under the provisions of this chapter,  
 1832 the chain of physical custody or control of  
 1833 evidence consisting of or containing a  
 1834 substance tested or analyzed to determine  
 1835 whether it is or contains alcohol, a statement  
 1836 signed by each successive person in the chain  
 1837 of custody that the person delivered it to the  
 1838 other person indicated on or about the date  
 1839 stated is prima facie evidence that the person  
 1840 had custody and made the delivery as stated,  
 1841 without the necessity of a personal appearance  
 1842 in court by the person signing the statement.  
 1843 The statement shall contain a sufficient  
 1844 description of the material or its container so  
 1845 as to distinguish it as the particular item in  
 1846 question and shall state that the material was

1847	delivered in essentially the same condition as	1896	facie evidence that the contents of the
1848	received.	1897	container are or include alcohol or an alcoholic
		1898	beverage.
1849	(4) Nothing in this section precludes the	1899	<b>§ 11-18 Appeals</b>
1850	right of any party to introduce any evidence		
1851	supporting or contradicting the evidence	1900	<b>A. General provisions</b>
1852	contained in or the presumption raised by the		
1853	statement.	1901	(1) Appeals from decisions of the Board
1854	<b>D. Presence of chemist or analyst at criminal</b>	1902	shall be to the Circuit Court for Talbot County,
1855	<b>proceeding</b>	1903	in accordance with the Maryland Rules of
		1904	Procedure applicable to administrative
1856	(1) In a criminal proceeding under the	1905	appeals.
1857	provisions of this chapter, the prosecution		
1858	shall, upon written demand of a defendant	1906	(2) The decision approving, suspending,
1859	filed in the proceedings at least five days prior	1907	revoking, restricting, or refusing to approve,
1860	to a trial in the proceeding, require the	1908	suspend, revoke or restrict any license or
1861	presence of the chemist, analyst, or any person	1909	licensee shall be subject to appeal in the
1862	in the chain of custody as a prosecution	1910	manner provided in this section.
1863	witness.		
1864	(2) The provisions of § 11-17B and C	1911	<b>B. Who may appeal</b>
1865	concerning prima facie evidence do not apply		
1866	to the testimony of that witness. The	1912	A licensee, a license applicant, or a group of
1867	provisions of §§ 11-17 B and C are applicable	1913	not less than 10 persons who reside in Talbot
1868	in a criminal proceeding only when a copy of	1914	County may appeal a final decision of the
1869	the report or statement to be introduced is	1915	Board to the Circuit Court if the licensee,
1870	mailed, delivered, or made available to counsel	1916	license applicant, or the group is aggrieved by
1871	for the defendant or to the defendant	1917	the decision and has appeared at the hearing of
1872	personally when the defendant is not	1918	the Board either:
1873	represented by counsel, at least 10 days prior	1919	(1) In person or by representative; or
1874	to the introduction of the report or statement at		
1875	trial.	1920	(2) By the submission of a written document
		1921	that was introduced at the hearing.
1876	(3) Nothing contained in this section shall	1922	<b>C. Court costs</b>
1877	prevent the defendant from summoning a		
1878	witness mentioned in this section as a witness	1923	The Clerk of the Circuit Court, before
1879	for the defense.	1924	docketing an appeal, shall first collect, from
1880	(4) At an administrative proceeding, the	1925	the person or persons so appealing, all court
1881	reports described in Subsections B and C	1926	costs and a statement from the Board that the
1882	above shall be prima facie evidence without	1927	costs for getting records and transcripts of
1883	the presence of the chemist, analyst, or any	1928	proceedings of the hearing before the Board
1884	person in the chain of custody. Nothing in this	1929	have been paid. Costs may not be assessed
1885	section prevents the license holder or any other	1930	against the Board.
1886	party from summoning the chemist, analysts or		
1887	any other person in the chain of custody.	1931	<b>D. Scope of appeal</b>
1888	<b>E. Physical evidence.</b> For the purpose of		
1889	establishing that physical evidence in a	1932	(1) Upon the hearing of such appeal, the
1890	criminal proceeding or an administrative	1933	action of the Board shall be presumed by the
1891	hearing under the provisions of this chapter	1934	court to be proper and to best serve the public
1892	contains or constitutes alcohol, a sealed	1935	interest. The burden of proof shall be upon the
1893	container in its original unopened condition	1936	petitioner to show that the decision
1894	which has a label which states that it contains	1937	complained of was against the public interest
1895	alcohol or is an alcoholic beverage is prima	1938	and that the Board's discretion in rendering its

1939 decision was not honestly and fairly exercised,  
1940 or that such decision was arbitrary, or procured  
1941 by fraud, or unsupported by any substantial  
1942 evidence, or was unreasonable, or that such  
1943 decision was beyond the powers of the Board  
1944 and was illegal. The case shall be heard by the  
1945 court without the intervention of a jury. If in  
1946 the opinion of the court it is impracticable to  
1947 determine the question presented to the court,  
1948 in the case on appeal, without the hearing of  
1949 additional evidence, or if in the opinion of the  
1950 court any qualified litigant has been deprived  
1951 of the opportunity to offer evidence, or if the  
1952 interests of justice otherwise require that  
1953 further evidence should be taken, the court  
1954 may hear such additional testimony to such  
1955 extent and in such manner as may be necessary  
1956 or may remand the case to the Board for that  
1957 purpose.

1958 (2) In such actions of appeal the Board may  
1959 be represented by its attorney.

1960 (3) The Board's decision shall be affirmed,  
1961 modified, reversed, or remanded to the Board.  
1962 Costs shall be awarded as in other civil cases.

1963 **E. Further appeals**

1964 Further appeals shall be governed by the  
1965 provisions of Article 2B, § 16-101, Annotated  
1966 Code of Maryland.

1967 **§ 11-19 Supplemental municipal regulation**

1968 Municipalities within Talbot County may  
1969 restrict the retail sale of alcoholic beverages  
1970 within their respective jurisdictions through  
1971 adoption of local zoning ordinances.  
1972 Enforcement of any ordinance so enacted shall  
1973 be the responsibility of the municipality.

1974 **§ 11-20 Conflict with other regulations**

1975 Any law enacted by the Talbot County  
1976 Council pursuant to the grant of express  
1977 powers in Article 25, § 3(ee), or Article 2B,  
1978 § 18-101, Annotated Code of Maryland, shall  
1979 prevail over any provision of the Code of  
1980 Public General Laws of Maryland regulating  
1981 the retail sale of alcoholic beverages.  
1982 However, unless and until the Talbot County  
1983 Council enacts a law which is contrary to a  
1984 provision of the Code of Public General Laws  
1985 regulating the retail sale of alcoholic bev-

1986 erages, the provisions of the Code of Public  
1987 General Laws shall remain in effect.

EFFECTIVE DATE: This bill shall take effect for all new licenses and licensees 60 days after enactment. For all existing licenses and licensees, this bill shall become effective only in connection with, upon, and following any renewal of the existing license(s).

i:\county attorney\liquor board\liquor ordinance re-write\bill  
1212 as enacted (2).docx

**PUBLIC HEARING**

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1212 having been published, a public hearing was held on Tuesday, December 6, 2011 at 2:00 p.m., Tuesday, December 13, 2011 at 6:30 p.m., and Tuesday, January 10, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: January 10, 2012 \*AS AMENDED\*

By Order Susan W. Moran  
Susan W. Moran, Secretary

Bartlett	-	Aye
Hollis	-	Aye
Pack	-	Aye
Price	-	Nay
Duncan	-	Nay